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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 JOANNA FOLEY BLUCHER, et al.,  
12 Plaintiffs,  
13 v.  
14 JAMES PICCOLO, et al.,  
15 Defendants.  
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CASE NO. 10-CV-1638 W (BLM)

**ORDER GRANTING  
PLAINTIFFS' MOTION  
TO REMAND CASE TO  
STATE COURT PURSUANT  
TO 28 U.S.C. § 1447  
[DOC. 8]**

18 On May 14, 2010, Plaintiffs filed their complaint in California Superior Court for  
19 damages resulting from the sale of securities in violation of California Corporations  
20 Code § 25501.5 and rescission. On August 5, 2010, Defendants removed this case to  
21 this Court based upon diversity jurisdiction. (Doc. 1.)

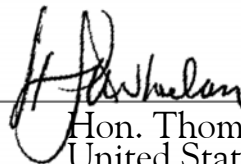
22 Now pending before the Court is Plaintiffs' motion to remand this case to San  
23 Diego Superior Court. (Doc. 8.) Plaintiffs argue that removal was untimely, that  
24 Defendants failed to obtain consent of all defendants for removal, and that the Court  
25 should award attorney's fees and costs. In response to Plaintiffs' motion, Defendants  
26 filed a notice of non-opposition. (Doc. 10.)

27 In light of Defendants' non-opposition to Plaintiffs' motion, and having read the  
28 moving papers and good cause appearing, the Court **GRANTS** the motion. (Doc. 8.)

1 This case is hereby **REMANDED** to San Diego County Superior Court pursuant to 28  
2 U.S.C. § 1447. Further, Plaintiffs' request for attorney's fees and costs is supported by  
3 an itemized statement and as such the Court **AWARDS** Plaintiffs' attorney's fees and  
4 costs in the amount of \$1650.00.

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6 **IT IS SO ORDERED.**

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8 DATED: October 5, 2010

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11 Hon. Thomas J. Whelan  
12 United States District Judge  
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